

**BOARD OF NURSING  
MEETING MINUTES  
DECEMBER 1, 2011**

**PRESENT:** Kay Coppens, Maria Joseph, Rachelle Lancaster, Gretchen Lowe, Julia Nelson, Carol Ott, Nelson Soler, Lou Ann Weix

**STAFF:** Dan Williams, Executive Director; Colleen Baird, Legal Counsel; Kimberly Wood, Bureau Assistant; Sharon Henes, Paralegal; and other Department Staff

**GUESTS:** Michelle DeBose, Mary B. Green, Jackie Graetz, Jody Wasmer, Rebecca Abrahms, William Getter, Chris Montagnino, and Brian Olson, Herzing University; Ann Marie Marlier and Elizabeth Markham, Bryant and Stratton College; Kelly Crum, Maranatha Baptist Bible College; Julie Luetschwager, Marian University; Kathy Van Eerden, Moraine Park Technical College; Judy Warmuth, Wisconsin Hospital Association (WHA); Kay Grotzlueshen, Madison Area Technical College; Jim Albrecht, Wisconsin Association of Nurse Anesthetists (WANA)

**CALL TO ORDER**

Lou Ann Weix, Chair, called the meeting to order at 9:56 a.m. A quorum of eight (8) members was present.

**APPROVAL OF AGENDA**

**Amendments to the Agenda:**

- Item “E” (open session) **REMOVE** the agenda item titled “9:15 A.M. APPEARANCE: Jeanette Lytle, Division of Enforcement (DOE) Attorney Supervisor, Consideration of a Risk-based Approach to Discipline in Quality of Care Cases”
- Item “G-2” (open session) Under the agenda item titled “Items Received After Printing of the Agenda – 2) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)” **ADD:**
  - a) Presentation of Proposed Stipulation, Final Decision and Order in the Matter of Disciplinary Proceedings against Nicole E. Wilburn, L.P.N. (11 NUR 256)
- Item “P-4” (closed session) Under the item titled “Deliberation of Items Received After Printing of the Agenda – Proposed Stipulation(s), Final Decision(s) and Order(s)”
  - a) **ADD** Becki L. Trevino, L.P.N. (11 NUR 098) – Deliberation will occur at the end of item “M”
  - b) **ADD** Julia A. Wilcox, R.N. (11 NUR 599) – Deliberation to occur at the end of item “M”
  - c) **ADD** Janice L. Strand, L.P.N (07 NUR 238) – Deliberation to occur at the end of item “M”
  - d) **ADD** Nicole E. Wilburn, L.P.N. (11 NUR 256) – Deliberation to occur at the end of item “M”

**MOTION:** Julia Nelson moved, seconded by Nelson Soler, to approve the agenda of December 1, 2011 as amended. Motion carried unanimously.

**APPROVAL OF MINUTES**

**Amendments to the Minutes:**

- **Page 1 of the Minutes:** In the second sentence of the two sentences appearing under the header titled “Call to Order”, replace the words “four (4)” with the words “five (5)”.

- Page 2 of the Minutes: Correct the date appearing in the motion, under the header titled “Approval of Minutes”, from “September 1, 2011” to “October 6, 2011”.
- Page 7 of the Minutes: Correct the motion that appears under the header titled “Lisa B. Van Natta, R.N. – Requesting Modification” to read: “Carol Ott moved, seconded by ~~MJ~~ Maria Joseph...”.

**MOTION:** Gretchen Lowe moved, seconded by Kay Coppens, to approve the minutes of November 3, 2011 as amended. Motion carried unanimously.

### ADMINISTRATIVE MATTERS

Dan Williams informed the Board that Chad Koplien has been appointed as interim Division Administrator of the Division of Enforcement. The Board raised concerns as this appointment leaves them with one full time prosecuting attorney to handle nursing cases and requested that discussion of this matter occur at its next meeting.

### REPORT OF EDUCATION AND LICENSURE COMMITTEE

Lou Ann Weix commended Carol Ott and Rachelle Lancaster for their efforts relating to the work of the Education and Licensure Committee. The Board considered the motions made at today’s Education and Licensure Committee meeting.

#### **Review of Request for Approval of Madison Area Technical College (MATC – Madison) Educational Administrator for ADN and PN Programs**

**COMMITTEE MOTION:** Maria Joseph moved, seconded by Gretchen Lowe, to recommend approval of Kay M. Grotelueschen as Educational Administrator for ADN and PN Programs at Madison Area Technical College. Motion carried unanimously.

**BOARD MOTION:** Nelson Soler moved, seconded by Maria Joseph, to accept the recommendation for approval of Kay M. Grotelueschen as Educational Administrator for ADN and PN Programs at Madison Area Technical College. Motion carried unanimously.

#### **Moraine Park Technical College NCLEX-RN Pass Rate Improvement Plan**

**COMMITTEE MOTION:** Rachelle Lancaster moved, seconded by Gretchen Lowe, to recommend that a congratulatory letter be sent to Moraine Park Technical College based upon Quarter 3, 2011 data showing that NCLEX-RN pass rates are no longer significantly below the national average, and that they be removed from probationary status. Motion carried unanimously.

**BOARD MOTION:** Kay Coppens moved, seconded by Nelson Soler, to accept the recommendation that a congratulatory letter be sent to Moraine Park Technical College based upon Quarter 3, 2011 data showing that NCLEX-RN pass rates are no longer significantly below the national average, and that they be removed from probationary status. Motion carried unanimously.

**COMMITTEE MOTION:** Nelson Soler moved, seconded by Maria Joseph, to recommend approval of the NCLEX-RN pass rate improvement plan submitted by Moraine Park Technical College. Motion carried unanimously.

**BOARD MOTION:** Julia Nelson moved, seconded by Maria Joseph, to accept the recommendation for approval of the NCLEX-RN pass rate improvement plan submitted by Moraine Park Technical College. Motion carried unanimously.

**Review of Curriculum Revision of University of Wisconsin – Eau Claire Baccalaureate Nursing Degree Program**

**COMMITTEE MOTION:** Gretchen Lowe moved, seconded by Maria Joseph, to recommend notification of UW Eau Claire that the proposed curriculum changes would constitute a major program change requiring Board approval. Motion carried unanimously.

**BOARD MOTION:** Carol Ott moved, seconded by Nelson Soler, to accept the recommendation for notification of UW Eau Claire that the proposed curriculum changes would constitute a major program change requiring Board approval. Motion carried unanimously.

**Follow-up Review of Maranatha Baptist Bible College Bachelor of Science in Nursing Program**

**COMMITTEE MOTION:** Rachelle Lancaster moved, seconded by Maria Joseph, to recommend approval of Maranatha Baptist Bible College's RN Program. Motion carried unanimously.

**BOARD MOTION:** Carol Ott moved, seconded by Rachelle Lancaster, to accept the recommendation for approval of Maranatha Baptist Bible College's RN Program. Motion carried unanimously.

**BOARD MOTION:** Rachelle Lancaster moved, seconded by Carol Ott, to rescind the motion accepting the recommendation for approval of Maranatha Baptist Bible College's RN Program. Motion carried unanimously.

**COMMITTEE MOTION:** Rachelle Lancaster moved, seconded by Maria Joseph, to recommend approval of Maranatha Baptist Bible College's RN Program with a written survey report to be presented at the January 2012 meeting. Motion carried unanimously.

**BOARD MOTION:** Carol Ott moved, seconded by Gretchen Lowe, to accept the recommendation for approval of Maranatha Baptist Bible College's RN Program with a written survey report to be presented at the January 2012 meeting. Motion carried unanimously.

**BOARD MOTION:** Nelson Soler moved, seconded by Julia Nelson, to authorize the designated members of the Education and Licensing Committee to conduct site visits for schools as the need is identified by the Committee, and subsequently approved by the Board, as set forth in Chapter N1.03, Wis. Admin. Code. Motion carried unanimously.

**Bryant & Stratton College Follow-up Over-enrollment Report**

***COMMITTEE MOTION:*** Rachelle Lancaster moved, seconded by Maria Joseph, to recommend rejection of the follow-up over-enrollment report submitted by Bryant & Stratton College with a resubmission of this report where students are referenced as actual students as opposed to FTE's, at the January 2012 meeting. Motion carried unanimously.

**BOARD MOTION:** Gretchen Lowe moved, seconded by Nelson Soler, to accept the recommendation for rejection of the follow-up over-enrollment report submitted by Bryant & Stratton College with a resubmission of this report where students are referenced as actual students as opposed to FTE's, at the January 2012 meeting. Motion carried unanimously.

**Update on Educational Administrator at Herzing University-Brookfield/Kenosha and Review List of Current Faculty**

***COMMITTEE MOTION:*** Rachelle Lancaster moved, seconded by Maria Joseph, to recommend that in response to concerns raised by the Committee, Herzing University – Brookfield/Kenosha campus has agreed to suspend admission for the spring session and will submit an action plan for review at the Committee's January 2012 meeting which shall contain the following components: curriculum, faculty, and administration. Motion carried unanimously.

**BOARD MOTION:** Julia Nelson moved, seconded by Kay Coppens, to accept the recommendation that in response to concerns raised by the Committee, Herzing University – Brookfield/Kenosha campus has agreed to suspend admission for the spring session and will submit an action plan for review at the Committee's January 2012 meeting which shall contain the following components: curriculum, faculty, and administration. Motion carried unanimously.

**Request for Approval of Syllabi for Spring 2012 Courses at Herzing University-Brookfield/Kenosha**

***COMMITTEE MOTION:*** Gretchen Lowe moved, seconded by Nelson Soler, to recommend that deliberation of the "Request for Approval of Syllabi for Spring 2012 Courses at Herzing University-Brookfield/Kenosha" be deferred until the January 2012 meeting. Motion carried unanimously.

**BOARD MOTION:** Maria Joseph moved, seconded by Carol Ott, to accept the recommendation that deliberation of the "Request for Approval of Syllabi for Spring 2012 Courses at Herzing University-Brookfield/Kenosha" be deferred until the January 2012 meeting. Motion carried unanimously.

**Quarter 3, 2011 NCLEX Pass Rate Data**

***COMMITTEE MOTION:*** Nelson Soler moved, seconded by Maria Joseph, to recommend that a congratulatory letter be sent to Maranatha Baptist College based upon Quarter 3, 2011 data showing that NCLEX-RN pass rates are no longer significantly below the national average, and that they be removed from probationary status. Motion carried unanimously.

**BOARD MOTION:** Gretchen Lowe moved, seconded by Carol Ott, to accept the recommendation that a congratulatory letter be sent to Maranatha Baptist College based upon Quarter 3, 2011 data showing that NCLEX-RN pass rates are no longer significantly below the national average, and that they be removed from probationary status. Motion carried unanimously.

***COMMITTEE MOTION:*** Maria Joseph moved, seconded by Gretchen Lowe, to recommend that a congratulatory letter be sent to UW Milwaukee based upon Quarter 3, 2011 data showing that NCLEX-RN pass rates are no longer significantly below the national average, and that they be removed from probationary status. Motion carried. Abstained: Nelson Soler

**BOARD MOTION:** Kay Coppens moved, seconded by Julia Nelson, to accept the recommendation that a congratulatory letter be sent to UW Milwaukee based upon Quarter 3, 2011 data showing that NCLEX-RN pass rates are no longer significantly below the national average, and that they be removed from probationary status. Motion carried. Abstained: Nelson Soler

**ITEMS RECEIVED AFTER PRINTING OF THE AGENDA**

- 1) Presentations of Petition(s) for Summary Suspension – *None*
- 2) **Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)**
  - a) **Presentation of Proposed Stipulation, Final Decision and Order in the Matter of Disciplinary Proceedings against Nicole E. Wilburn, L.P.N. (11 NUR 256)**

Chad Koplien, Division of Enforcement Prosecution Attorney, presented the Proposed Stipulation, Final Decision and Order in the Matter of Disciplinary Proceedings against Nicole E. Wilburn, L.P.N. (11 NUR 256). Deliberation of this matter will occur during closed session.

- 3) Presentation of Proposed Final Decision and Order(s) – *None*
- 4) Informational Item(s) – *None*
- 5) DOE Matters – *None*
- 6) Status of Statute and Administrative Rule Matters – *None*
- 7) Education and Examination Matters – *None*
- 8) Credentialing Matters – *None*
- 9) Practice Questions/Issues – *None*
- 10) Legislation/Administrative Rule Matters – *None*
- 11) Liaison Report(s) – *None*
- 12) Speaking Engagement(s), Travel, or Public Relation Request(s) – *None*

## NEW BUSINESS

The Board briefly discussed the Education and Licensure Committee meeting from earlier in the day and what options exist, if any, to improve upon and/or streamline the meeting process.

## PUBLIC COMMENTS

Judy Warmuth, Wisconsin Hospital Association, provided comments to the Board regarding the upcoming RN workforce survey and made comments regarding the Board's discussion of the Education and Licensure Committee meeting.

Jim Albrecht, Wisconsin Association of Nurse Anesthetists, also provided comments to the Board relevant to the Board's discussion of today's Education and Licensure Committee meeting.

## CLOSED SESSION

**MOTION:** Julia Nelson moved, seconded by Gretchen Lowe, to convene to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberate on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Enforcement case status reports. Roll Call Vote: Kay Coppens-yes; Maria Joseph-yes; Rachelle Lancaster-yes; Gretchen Lowe-yes; Julia Nelson-yes; Carol Ott-yes; Nelson Soler-yes; and Lou Ann Weix-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:53 a.m.

## RECONVENE TO OPEN SESSION

**MOTION:** Julia Nelson moved, seconded by Gretchen Lowe, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 2:00 p.m.

## VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF VOTING IS APPROPRIATE

**MOTION:** Maria Joseph moved, seconded by Kay Coppens, to reaffirm all motions made in closed session. Motion carried unanimously.

## DELIBERATION ON MONITORING MATTERS

### THOMAS BERTHOLD, R.N. REQUESTING REINSTATEMENT OF LIMITED LICENSE

**MOTION:** Gretchen Lowe moved, seconded by Nelson Soler, to grant the request of Thomas Berthold, R.N. for reinstatement of limited license pursuant to the Order dated November 8, 2007 as previously modified by the Board. Motion carried. Abstained: Rachelle Lancaster, Carol Ott

**KIMBERLY MAYER, L.P.N.  
REQUESTING REINSTATEMENT OF LICENSE**

**MOTION:** Nelson Soler moved, seconded by Kay Coppens, to deny the request of Kimberly Mayer, L.P.N. for reinstatement of license. The Board indicates that Ms. Mayer cannot petition the Board until she demonstrates, for a period of three months, the following: successful participation in drug testing monitoring requirements at a frequency of 48 per year plus one annual hair test, proof of attendance at AA/NA meeting at a frequency of twice per week, therapy at the discretion of the treater, no less than twice per month. The Board requires that the respondent submit to a comprehensive evaluation including a fitness to practice statement. The Board indicated that after completing these requirements she will still need to complete a nursing refresher course. Reason for Denial: Insufficient evidence supporting stable recovery. Motion carried unanimously.

**KRISTIN BLEICHWEHL, R.N.  
REQUESTING MODIFICATION**

**MOTION:** Nelson Soler moved, seconded by Kay Coppens, to deny the request of Kristin Bleichwehl, R.N. for a reduction in the frequency of drug screens. Reason for Denial: Insufficient time under Board Order. Motion carried unanimously.

**SHEENA CLAYTON, L.P.N.  
CONSIDERATION FOR VIOLATION OF BOARD'S ORDER**

Patara Horn, Department monitor, provided the Board with additional documentation relating to this matter.

**MOTION:** Julia Nelson moved, seconded by Nelson Soler, to remove the stay of suspension of Sheena Clayton, L.P.N. Reason for Denial: Violation of Board Order. Motion carried unanimously.

**SHAUNA DETTINGER, R.N.  
REQUESTING MODIFICATION**

**MOTION:** Kay Coppens moved, seconded by Nelson Soler, to deny the request of Shauna Dettinger, R.N. for decrease in the frequency of drug screens and a decrease in the frequency of AA/NA meeting attendance. Reason for Denial: Time since last drug screen reduction & AA/NA is an integral part of the recovery process. Motion carried unanimously.

**BRIANA FOLEY, R.N.  
REQUESTING MODIFICATION**

**MOTION:** Kay Coppens moved, seconded by Carol Ott, to grant the request of Briana Foley for an extension of time (60 days from the signing date of the Order) to complete and submit a fitness to practice evaluation. Motion carried unanimously.

**ANITA JONES, R.N.  
REQUESTING STAY OF SUSPENSION**

**MOTION:** Nelson Soler moved, seconded by Julia Nelson, to deny the request of Anita Jones, R.N. for a stay of suspension. The Board indicated that Ms. Jones should complete a fitness to practice evaluation through a Board approved psychological provider who has not previously provided therapy services to the respondent. Reason for Denial: Failure to provide a fitness to practice evaluation as previously requested. Motion carried unanimously.

**GINGER OBERJAT, L.P.N.  
CONSIDERATION FOR VIOLATION OF BOARD'S ORDER**

**MOTION:** Gretchen Lowe moved, seconded by Julia Nelson, to suspend the license of Ginger Oberjat, L.P.N. The Board indicates that Ms. Oberjat cannot petition the Board until she demonstrates, for a period of three months, successful completion of drug testing monitoring requirements. Reason for Denial: Violation of Board Order. Motion carried unanimously.

**JOAN WEGNER, R.N. – REQUESTING MODIFICATION**

**MOTION:** Julia Nelson moved, seconded by Maria Joseph, to deny the request of Joan Wegner, R.N. for a reduction in the frequency of drug screens and noting that the respondent is not eligible for another reduction in frequency until November 2012. Reason for Denial: Insufficient time under Board Order. Motion carried unanimously.

**MARY MEUCCI, L.P.N. – CONSIDERATION OF VIOLATION OF BOARD'S ORDER**

**MOTION:** Julia Nelson moved, seconded by Gretchen Lowe, to remove the stay of suspension of Mary Meucci, L.P.N. Reason for Denial: Violation of Board Order. Motion carried unanimously.

**DIVISION OF ENFORCEMENT**

**Case Status Report**

The Board received a report outlining its pending enforcement cases.

**Case Closings**

- 1) 11 NUR 499 – Insufficient Evidence
- 2) 11 NUR 424 – No Violation
- 3) 10 NUR 270 – Prosecutorial Discretion (P7)
- 4) 11 NUR 532 – Prosecutorial Discretion (P1)
- 5) 11 NUR 270 – Prosecutorial Discretion (P7)
- 6) 08 NUR 455 – No Violation
- 7) 08 NUR 453 – No Violation
- 8) 11 NUR524 – Prosecutorial Discretion (P7)
- 9) 10 NUR 036 – Insufficient Evidence
- 10) 11 NUR 376 – Insufficient Evidence
- 11) 11 NUR 375 – Insufficient Evidence



- 12) 11 NUR 423 – Prosecutorial Discretion (P7)
- 13) 06 NUR 176 – Prosecutorial Discretion (P3)
- 14) 10 NUR 206 – Insufficient Evidence
- 15) 10 NUR 207 – Insufficient Evidence

**MOTION:** Kay Coppens moved, seconded by Julia Nelson, to close the cases listed as identified above. Motion carried unanimously.

#### **DELIBERATION OF PROPOSED STIPULATIONS AND FINAL DECISIONS AND ORDERS**

1. Rachael A. Deragon, R.N. (10 NUR 271)
2. Roslyn M. George, R.N. (11 NUR 451)
3. Edward M. Healey, R.N. (11 NUR 521)
4. Lora J. Huelster, R.N. (11 NUR 369)
5. Frances L. Monroe Jennings, R.N. (11 NUR 322)
6. Donna M. Pearson, R.N. (11 NUR 405)
7. Mary E. Rashel, R.N., A.P.N.P. (09 NUR 424)
8. Claire E. Weingart, R.N. (11 NUR 241)
9. Becki L. Trevino, L.P.N. (11 NUR 098)\*\*
10. Julie A. Wilcox, R.N. (11 NUR 599)\*\*
11. Janice L. Strand, L.P.N. (07 NUR 238)\*\*
12. Nicole E. Wilburn, L.P.N. (11 NUR 256)\*\*

**MOTION:** Julia Nelson moved, seconded by Kay Coppens, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against the individuals listed above. Motion carried unanimously.

#### **DELIBERATION ON ISSUANCE OF ADMINISTRATIVE WARNINGS**

1. 10 NUR 521
2. 11 NUR 471

**MOTION:** Nelson Soler moved, seconded by Gretchen Lowe, to issue administrative warnings in the matter of the case numbers listed above. Motion carried unanimously.

#### **DELIBERATION OF PROPOSED FINAL DECISIONS AND ORDERS**

##### **Diane C. Walters, R.N., Respondent – Division of Hearing and Appeals (DHA) Case # SPS-10-0095, Division of Enforcement (DOE) Case # 09 NUR 290**

The Board reviewed the Proposed Final Decision and Order for Diane C. Walters, R.N. The Board also reviewed the Respondent's Objections to Proposed Decision, and the States Reply to Respondent's Objections.

**MOTION:** Nelson Soler moved, seconded by Kay Coppens, to adopt the Findings of Fact, Conclusions of Law, Proposed Decision and Order in the matter of disciplinary proceedings against Diane C. Walters, R.N., Respondent – Division of Hearing and Appeals (DHA) Case # SPS-10-0095, Division of Enforcement (DOE) Case # 09 NUR 290. Motion carried unanimously.

**DELIBERATION OF ITEMS RECEIVED AFTER PRINTING OF THE AGENDA**

- 1) Application Issues and/or Reviews – *None*
- 2) Professional Assistance Procedure (PAP) – *None*
- 3) Monitoring Matters – *None*
- 4) **Proposed Stipulations, Final Decisions and Orders**
  - a) *Added to the Agenda:* Becki L. Trevino, L.P.N. (11 NUR 098)
  - b) *Added to the Agenda:* Julie A. Wilcox, R.N. (11 NUR 599)
  - c) *Added to the Agenda:* Janice L. Strand, L.P.N. (07 NUR 238)
  - d) *Added to the Agenda:* Nicole E. Wilburn, L.P.N. (11 NUR 256)

Deliberation of the above listed Proposed Stipulations, Final Decisions and Orders were addressed under agenda item “M”.

- 5) Administrative Warnings – *None*
- 6) Review of Administrative Warning – *None*
- 7) Orders Fixing Costs/Matters Related to Costs – *None*
- 8) Proposed Final Decisions and Orders – *None*
- 9) Petitions for Summary Suspension – *None*
- 10) Petitions for Re-hearings – *None*
- 11) Examination Issues – *None*
- 12) Credential Issues – *None*
- 13) Appearances from Requests Received or Renewed – *None*
- 14) Motions – *None*

**OTHER BOARD BUSINESS**

The Board discussed the separate compilation of the agenda packets materials for the full Board and its Committees.

The Board briefly reviewed its decision to discontinue catered lunch orders for the meeting.

**ADJOURNMENT**

**MOTION:** Nelson Soler moved, seconded by Kay Coppens, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:10 p.m.